

The Director

General Counsel

Comments on Civilian versus Military Head for Central  
Intelligence

2 September 1948

1. The written record arguing the question of a civilian as against a military head for CIA is voluminous. But it boils down to very few points, of which the most important appears to be general recognition of the necessity for continuity of control. The lesser points are fear of pressures and influences from service relationships and a fear that career considerations would hamper independence of action. There is also, in some comment, evidence of a prejudice in favor of civilians and against giving additional important posts to military personnel -- the prejudice that talks of the so-called "military mind". This last point would seem rather unimportant, in view of the fact that military background has not generally been considered a handicap in the appointment of the Secretary of State, the President of Columbia University, the Ambassador to Moscow, and the incumbents of many other important diplomatic and industrial positions.

2. The need for continuity of direction is obviously a most important point on which there appears to be no disagreement. The usual argument is that a civilian once appointed has no limit to his tenure and may, as in the oft-cited case of Mr. Hoover and the FBI, stay in office indefinitely. A counterpoint to this argument is the claim that a military man normally rotates positions in short tours of duty or, in any case, could be reassigned by his service at any time. The critics point out the rapid turnover in the early history of CIO-CIA. I believe the argument loses its validity when the terms of the National Security Act are studied. By that Act, an officer of any of the services who is appointed as Director is in effect separated from the service for all purposes except pay and allowances. It would be impossible for anyone in the Military Establishment from the Secretary of Defense on down to order or otherwise arrange his transfer. Section 102(b) provides that a commissioned officer appointed as Director shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to

him if he were a civilian. Strictly construed, such an officer could not be transferred even by the President acting in his capacity as Commander-in-Chief. Of course, the President could remove him in the same way he could remove a Cabinet officer, but this applies equally to a civilian Director. It appears, therefore, that under the Act as presently drawn, the tenure of a military Director is exactly as indefinite as that of a civilian, and he could continue in office in the same manner that Mr. Hoover continues as head of the FBI.

3. The argument that the military Director would be subject to influences and pressures due to service relationships has, of course, some validity. Everyone is influenced by his background and associations. A civilian Director is influenced by his political, social, and economic relationships. The answer in both situations is the same -- that any Director appointed should be of such caliber that the pressures and influences, whether civilian or military, are minimized. A practical aspect which is important arises from the fact that although CIA is essentially a civilian Agency serving the Executive in general, its relations with the military are necessarily close, and a Director from the services would normally have their trust and would understand better the problem involved in exercising the control over the military intelligence activities which his position requires. Again, however, this is less a question of background and relationships than it is of the ability of the Director.

4. The argument concerning the influence of career considerations on the Director's decisions receives much the same answer. If the Director is a man worthy of appointment, he would act on principle rather than on considerations for the future. If, on the other hand, the latter outweighed, it appears that a civilian would be just as worried about his future in Government or business as the officer. To some extent, the future of the officer is more assured, since by law he keeps the perquisites of his military position -- he is sure that, barring court-martial, he may retire with pay sufficient to assure a livelihood in the future. A civilian has no such assurance until he has been with the Government many years. In addition, presumably the officer would be picked from among the top ranks in the service. Aside from prestige, therefore, there would not be many positions open to him which would offer more in the way of economic inducement. It can, therefore, be fairly argued that the influence of career considerations would not have a decisive effect on a military Director of ability and principle.

5. Even granting that, as a general principle, the Director of Central Intelligence should be a civilian, the discussion in Congress brought up a practical aspect which is most important. Very few people have the experience and qualifications required for the top intelligence job. With very rare exceptions, those who have adequate experience have obtained it in military service. It will take many years of operations before there is a body of civilians with wide intelligence background. A man with proper experience and qualifications would have to be an outstanding figure and, in private life, would almost certainly be economically successful. Considering the drawbacks of Government service in general and of its economic rewards in particular, the appeal to such a civilian would depend only on his willingness to make personal sacrifice. As Mr. Allen Dulles points out, the position requires an almost monastic devotion and idea of service. As a practical matter, therefore, it may be necessary to consider officers for the position. The top officers may not be the best possible men for the job, but they may be the best men available. With the growing importance of the directorship, it should become one of the key posts for any officer, but particularly an intelligence officer, to aim for. To require such a man to separate wholly from the service in order to qualify as a civilian for the post would take away the assurance which his retirement rights afford of a future livelihood and its concomitant independence of action. Therefore, for no other reason than this practical one, the way should at least be left open for the appointment of an officer so long as the President is free to appoint a civilian if he so desires.

6. A final point which might become important concerns possible wartime conditions. In time of war, CIA would inevitably be tied in much more closely with military operations. It might be advisable for the Director to be in uniform even though he was appointed as a civilian. If the Act restricted the directorship to civilians, commissioning would be impossible, unless an amendment were passed. There seems, therefore, to be little basis for the argument that the National Security Act of 1947 should be amended to restrict appointment of the Director to civilians alone. Since the Director is under the immediate control of the National Security Council, the arguments concerning "military dictatorship", "Gestapo", and such like are ignored.

LAWRENCE R. HOUSTON